



# California Regional Water Quality Control Board

## Los Angeles Region



**Linda S. Adams,**  
Agency Secretary

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**Arnold Schwarzenegger**  
Governor

### Meeting Minutes

Los Angeles Regional Water Quality Control Board  
February 4, 2010 Board Meeting  
Metropolitan Water District of Southern California  
Board Room  
700 North Alameda Street  
Los Angeles, California

The meeting was called to order by Chair Mary Ann Lutz at 9:12 a.m.

Pledge of Allegiance.

Item 1. Roll Call

Board Members Present: Chair Mary Ann Lutz, Vice Chair Madelyn Glickfeld, Steve Blois, Fran Diamond, Maria Mehranian, and Jeanette Lombardo

Board Members Absent: None.

Staff Present: Tracy Egoscue, Deborah Smith, Samuel Unger, Michael Levy, Ronji Harris, Jennifer Fordyce, Jeff Ogata, Jack Price, Wendy Phillips, Rebecca Chou, Elizabeth Erickson, Paula Rasmussen, David Hung, Renee Purdy, L.B. Nye, Valerie Carrillo, Jenny Newman, Don Tsai, Yue Rong, Hugh Marley, Magdy Baiady, Daniel Piroton

### Individuals whose Names Appear on the Sign-In Sheet

Mr. Kerjon Lee, L.A. County DPW	Ms. Susie Santilena, Heal the Bay
Ms. Kirsten James, Heal the Bay	Mr. Matt Arms, Port of Long Beach
Mr. Shahram Kharaghani, City of Los Angeles	Mr. Tamar Stein, Malibu LaPaz Ranch LLC
Mr. Don Schmitz, Malibu LaPaz LLC	Mr. Pio Lombardo, Malibu LaPaz Ranch LLC
Ms. Leanne Plabeck, Santa Clarita Org. for Planning and the Environment (SCOPE)	Mr. Mark Pestrella, Los Angeles County Flood Control District
Mr. Gary Hildebrand, Los Angeles County DPW	Ms. Ellen Mackey, Watershed Council
Mr. James Alamillo, Heal the Bay	Ms. Tatiana Gaur, Santa Monica Baykeeper

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## Item 2. Nomination and Vote for Chair and Vice Chair for 2010.

*Vice Chair Madelyn Glickfeld nominated Chair Mary Ann Lutz, as Chair for 2010.*

*Seconded by Board Member Fran Diamond, and approved unanimously.*

*Board Member Fran Diamond nominated Vice Chair Madelyn Glickfeld as Vice Chair for 2010.*

*Seconded by Board Member Maria Mehranian, and approved unanimously.*

## Item 2.a. Resolution for Stephen M. Cain.

*The Board presented a Resolution in appreciation for Mr. Stephen M. Cain, Environmental Planner for his service to the Los Angeles Regional Water Quality Control Board.*

## Item 3. Order of Agenda.

*No Changes to the Order of Agenda.*

## Item 4. Approval of draft meeting Minutes for November 5, 2010

*Vice Chair Madelyn Glickfeld moved to continue the November 5, 2009 draft Minutes due to amendments that were omitted in her Motion.*

**MOTION:** To continue the November 5, 2009 draft Meeting Minutes, and to approve the draft Meeting Minutes for December 10, 2009.

First: Board Member Fran Diamond

Second: Board Member Maria Mehranian

Vote: Approved by unanimous vote

## Item 5. Board Member Communications.

*There were no communications reported by the Board that constitute disclosure for this item.*

## Item 6.a Executive Officers Report

Report and Addendum Report was given to the Board. No verbal report was given at this meeting. The Report was posted on the Board's website:

[www.swrcb.ca.gov/~rwqcb4/html/eo\\_reports/eo\\_reports.html](http://www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html)

## Item 6.b. Update on the Los Angeles Regional Water Quality control Board's Underground tank Storage Program.

*Dr. Yue Rong, Underground Storage Tank (UST) Section Chief, gave an update on the program, how the program operates, cleanup efforts, and UST closures and requirements.*

## Item 6.c Board Checklist.

*There was no discussion or questions regarding the Board Checklist.*

## Item 6.d Report from State Board.

*State Board member Fran Spivy-Weber talked about how stimulus money is being spent on programs, and gave a report on how urban areas will get their fair share of these stimulus monies. She indicated that the Once Through Cooling process has been delayed, but is anticipated to be voted on March 16, 2010.*

## Item 6.e. Update on enforcement and SEP Policies.

*Mr. Reed Sato, State Board made the presentation. He talked about the historic background of the first policy, adopted in 2002, and updated every five years since. He also discussed the goals of the Policy, as well as Enforcement Priorities for discretionary actions, automated violation prioritizations by 2012, Mandatory Minimum Penalties, and penalty calculation methodology.*

## Item 7. Public Forum.

- Mr. Shahram Kharaghani, City of Los Angeles (*Gave an update on the City of Los Angeles' Trash TMDL approach.*)
- Mr. Kerjon Lee, Los Angeles County Flood Control District (*Gave an update on the Coordinated Agency Recovery Effort (CARE), a program in response to the Station Fire (September 2009), the largest fire in L.A. County history, and the 10<sup>th</sup> largest in State history.*)

## Uncontested Items Calendar.

Executive Officer Tracy Egoscue announced the Consent items as follows: 8, and 9.

**MOTION:** To deem non-controversial and approve Agenda Item(s): 8, and 9.

First: Board Member Maria Mehranian

Second: Board Member Jeanette Lombardo

Vote: Approved by unanimous vote.

*\*\*Vice Chair Madelyn Glickfeld did not participate in the vote on Item 9, due to conflict of interest.*

## Item 10. Port of Long Beach, Middle harbor Redevelopment Project

Staff Report. Mr. Michael Lyons, Regional Board Staff Scientist. (*Made the following points in his presentation*)

- This is a 5 year permit
- Will dispose of 4.8 million cubic yards
- Discussed acceptance criteria for fill

- Heal the Bay commented that there is a need for a Regional site for future use

Public Comment:

- Mr. Matt Arms, Port of Long Beach (in support)
- Ms. Susie Santilena, Heal the Bay (in support)

MOTION: To adopt the permit as recommended by staff, but to work with a collaborative approach.

First: Board Member Fran Diamond

Second: Board Member Steve Blois

Vote: Approved by unanimous vote.

Item 11. County of Los Angeles, Maintenance Clearing of Engineered Earth-bottom Flood Control Channels.

Staff Report. By Dr. L.B. Nye, Unit Chief, TMDLs & Standards Unit (*Dr. Nye made but was not limited to the following points in her presentation.*)

- *Discussed the purpose and need for this permit*
- *Flood control protection prevent loss of life and property*
- *Regulatory history and background*
- *WDRs include maintenance in 99 channels*
- *New WDRs include a Feasibility Study to allow more vegetation, more water quality monitoring, and additional mitigation for new reaches and required outreach and transparency*
- *Proposed a change to the required submittal of the Feasibility Study Workplan to 6 months*
- *Proposed a change to the required submittal of the Technical Report to 7 months*
- *Recommended adoption of the revised tentative Waste Discharge Requirements*

The Board went into Closed Session at noon

The Board reconvened at 1:35 pm

Public Comment.

Mr. Mark Pestrella, L.A. County Flood Control District (in support)

- *Water Conservation and Flood Control are priorities for L.A. County Flood*
- *The Channel system is 45 miles*
- *There is need for the channels to be at capacity to carry a 100 year event*

Mr. Gary Hildebrand, L.A. County Flood Control District

- *Commented on WDR language suggesting particular language clarifications, including proposed language change to replace the word "avoid" with "minimize" (para 43, page 22)*
- *Proposed language change adding the word "native" before the word "vegetation" (para 45, page 23)*
- *Proposed a language change to the mitigation requirements to allow mitigation "credits" (para 25, page 31).*

- *Proposed language change to allow in-lieu funding to “approved Conservancy groups...(para 27, page 32)*

Mr. James Alamillo, Heal the Bay (opposed as written)

- *There are major elements to consider with Waste discharge, including water quality, biological resources, and flood control*
- *County failed to provide staff details of water quality and biological data, volumes of vegetation, sediment or trash removed; and no area estimated of impacts, updated studies*

Ms. Kirsten James, Heal the Bay (opposed as written)

- *WDR lacks sufficient Compensatory Mitigation Plan*
- *Commented on WDR language, suggesting particular language clarifications, including proposed a change to add “Water Quality and Biological Monitoring” under Water Quality monitoring*
- *Proposed change to compensatory mitigation to require new mitigation for all reaches*

Other speakers:

- Ms. Ellen Mackey, LA/LASGV Watershed Council (no position)
- Ms. Tatiana K. Gaur, Santa Monica Baykeeper (in support, but recommend mitigation after every channel clearing)
- Ms. Lynne Planbeck, Santa Clarita Org. for Planning and the Environment (SCOPE) (in support, but recommended plans be posted to Regional Board website)

Board, questions, concerns and comments:

- What is the cost?
- Is the County okay with the 2 to 1 Ratio?
- Are pesticides being used?
- How much area is under mitigation?
- Maintenance can provide opportunity for natives
- How is the project being funded?
- How are the Reaches prioritized, and who decides?
- Transparency and stakeholder involvement are important
- Is the Feasibility Study for each Reach or for each Workplan?
- How does the County plan to do monitoring to water if it is diverted?

Executive Officer Tracy Egoscue recommended the following changes:

- On page 11-198, (para 42), remove phrase “but not in the Annual Workplan...” and change “District” to “LACFCD”
- On page 11-198 (para 43), delete the word “quantity” but retain the word “quality”
- On page 11-199 (para 45), add the word “native” before the word “vegetation”
- On page 11-201 (para 51), change the required submittal of the Feasibility Study Workplan to 6 months and the required submittal of the Technical Report and Recommendations to 7 months

- On page 11-201, (para 45), add the word “native” before the word “vegetation but do not make the other County-suggested changes to this paragraph
- On page 11-199 (para 45), add requirement for stakeholder involvement in the process
- On page 11-201 (para 51), change “Maintenance Plan” to “next year’s Workplan”
- On page 11-208 (para 27), add “upon approval of the Executive Officer”

MOTION: to adopt the Waste Discharge Requirements and to include the proposed changes stated by the Executive Officer.

First: Board Member Maria Mehranian

Second: Board Member Fran Diamond

Vote: Approved by unanimous vote

Item 12. Consideration of a Report of Waste Discharge for Malibu La Paz Ranch, LLC, a commercial development in the Civic Center area of the City of Malibu.

Staff Report. Mr. Jeff Ogata, Senior Legal Counsel

- *Discussed Legal Considerations stating that the Board should decide whether a Report of Discharge in incomplete and whether to issue Waste Discharge Requirements*
- *La Paz originally filed a report of Waste Discharge (ROWD) in December 2006*
- *The ROWD is still incomplete*
- *Discussed the project history*
- *La Paz has not complied and has not provided a complete ROWD*
- *Clarified that all discharges of waters to the State are privileges and not rights.*

Staff Report. Ms. Elizabeth Erickson, Groundwater and Cleanup Permits Unit

- *Discussed the ROWD timeline*
- *Concern that the engineering design may be flawed*

Public Comment:

- Mr. Tamar Stein, Malibu La Paz Ranch LLC (opposed)
- Mr. Pio Lombardo, Malibu La Paz Ranch LLC (opposed)
- Mr. Don Schmitz, Malibu La Paz Ranch LLC (opposed)
- Ms. Kirsten James, heal the Bay (in support)
- Ms. Tatiana Gaur, Santa Monica Baykeeper (in support)

Board questions, comments, concerns and discussion:

- Troubled by differences of opinion between staff and the discharger
- Ask La Paz why do they have a problem with zero discharge?
- Asked clarification as to whether the prohibition is true now; and legally enforceable?

*Executive Officer Tracy Egoscue asked the Board to assert the jurisdiction and let the staff work with the discharger.*



MOTION: To approve the Report of Waste Discharge requirements with “Zero Discharge” that prohibits discharge

First: Board Member Steve Blois

Second: Board Member Fran Diamond

Vote: Approved by unanimous vote

The Board meeting was adjourned at 6:33 pm. The Draft Minutes may be approved, rescinded or modified at the March 4, 2010 Board meeting.

Written and submitted by: \_\_\_\_\_, then finalized on  
Ronji R. Harris

